

Remarks

Claims 11 and 13-22 are presently pending. Claims 11, 13, 14 and 19-22 have been rejected as being obvious and unpatentable over Ryan, et al, U.S. Patent No. 6,352,702, the disclosure of which is also repeated in PCT/GB98/03573. Claims 15-18 have been objected to as being dependent upon a rejected base claim, but have been found to be allowable if appropriately rewritten. Applicant respectfully traverses the rejection of claims 11, 13, 14 and 19-22 as follows.

Ryan et al '702 teaches compositions having a particular blend of essential oils that exhibit an antimicrobial effect. At column 1, lines 17-20 it defines the composition as "clove bud oil and two or more of eucalyptus oil, cajaput oil, lemongrass, lavender or tea tree oils, but then further characterizes the invention as encompassing other essential oil formulations including clove oil and other oils. Such compositions are asserted to be "particularly versatile" and, in particular variants, may be used in a variety of circumstances. Yet none of the compositions or uses taught is directed to a combination of eucalyptus and orange oil as a treatment for infectious diseases or inflammations of the respiratory tract.

The Examiner's specific reference to Ryan et al's teaching of a composition effective against Equine herpes virus, Ryan et al Example 3, is a composition of eucalyptus oil, cajaput oil, and clove bud oil. Orange oil is not included. The only references to orange oil in the patent are as an adjunct to the required clove bud oil, and with lemongrass and eucalyptus oil (Example 4, sub 7) disclosed as useful only as a surface cleaning formulation. "The formulation was found to be a highly effective surface cleaner around the kitchen. Work surfaces, hobs, ovens, microwaves...came up very clean...." Ryan et al, col. 8, lines 20-25. An athlete's foot composition disclosed as Example 4, sub 8 comprises clove bud oil, orange oil, lemongrass and lanolin. Eucalyptus oil is not mentioned.

The recitation of specific formulations for specific uses is not a teaching or suggestion that other, undisclosed combinations may be effective for the particular use, particularly when the reference, as a whole, encompasses a potential myriad of combinations and permutations of the disclosed components. In fact, such specific disclosure should be viewed as a teaching away from the suggestion of suitability of other, unknown and undescribed, combinations of components. The disclosure of a combination including eucalyptus and orange oils as a surface disinfectant, particularly when other specific formulations are disclosed as having other particular uses, offers no suggestion that an eucalyptus/orange oils formulation can be used as a respiratory tract medicament. If anything, it teaches away from such a use. Similarly, a herpes virus treatment not including orange oil, when orange oil is mentioned only in connection with other, divergent uses, cannot be said to suggest the inclusion of orange oil to the given formulation for respiratory disease or inflammation treatment. Ryan et al '702 leads one to the presently-claimed invention only through impermissible hindsight derived from consideration of the present disclosure. Standing alone, the reference provides no such link.

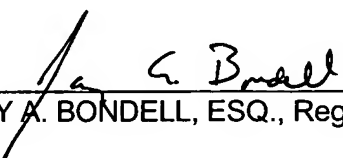
Withdrawal of the rejection and allowance of all claims is solicited.

Respectfully submitted,

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